

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DAVID HYMOND,**

**Petitioner,**

**v.**

**ROBERT HOUSTON and  
DENNIS BAKEWELL,**

**Respondents.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**CASE NO. 8:07CV438**

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On July 1, 2008, the court denied Respondents' Motion for Summary Judgment. (Filing No. [14](#).) In that Memorandum and Order, the court ordered Respondents to file a separate answer, brief and state court records on the merits of the Petition. ([Id.](#)) Respondents filed an Answer and State Court Records on August 1, 2008. (Filing Nos. [15](#), [16](#), and [17](#).) However, Petitioner has not responded to these documents.

IT IS THEREFORE ORDERED that:

1. By **December 8, 2008**, Petitioner shall file and serve a brief in response to the Respondents' Answer and State Court Records. Petitioner shall submit no other documents unless directed to do so by the court. In the event that Petitioner does not file a response in accordance with this Memorandum and Order, the court will rule on the merits of the Petition without further notice; and
2. No later than 30 days after the filing of Petitioner's brief, Respondents shall file and serve a reply brief.

DATED this 3<sup>rd</sup> day of November, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge